

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION

KURBY DECKER

§

v.

§

CIVIL ACTION NO. 5:06cv210

CHEQUITA DUNBAR, ET AL.

§

MEMORANDUM ADOPTING REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE
ON PLAINTIFF'S MOTION FOR DEFAULT JUDGMENT

The Plaintiff Kurby Decker filed this civil rights lawsuit under 42 U.S.C. §1983 complaining of alleged violations of his constitutional rights. This Court ordered that the case be referred to the United States Magistrate Judge pursuant to 28 U.S.C. §636(b)(1) and (3) and the Amended Order for the Adoption of Local Rules for the Assignment of Duties to United States Magistrate Judges.

Decker sought a default judgment against the Defendants Colt Morton and Donald Gibson. The Magistrate Judge issued a Report recommending that this motion be denied. Decker filed objections to this Report, arguing that Gibson had “notice” of the suit and that Morton had been served and had not answered. Morton has since answered the lawsuit, and Decker has not shown that Gibson has ever been served. His objections are without merit.

The Court has conducted a careful *de novo* review of the pleadings in this cause, including the Report of the Magistrate Judge and the Plaintiff's objections thereto. Upon such *de novo* review, the Court has determined that the Report of the Magistrate Judge is correct and that the Plaintiff's contentions are without merit. It is accordingly

ORDERED that the Report of the Magistrate Judge (docket no. 92) is ADOPTED as the opinion of the District Court. It is further

ORDERED that the Plaintiff's motion for a default judgment (docket no. 43) is hereby DENIED.

SIGNED this 13th day of February, 2008.



DAVID FOLSOM
UNITED STATES DISTRICT JUDGE